

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

Civil Action No. 09-CV-1213-ACT-LFG

HEALTH CARE SERVICES CORPORATION,

Plaintiff,

v.

SOUTHWEST TRANE and  
PETERSON WATER TREATMENT,

Defendants

**HEALTH CARE SERVICES CORPORATION'S WITNESS LIST**

Plaintiff Health Care Service Corporation's ("HCSC"), through undersigned counsel, files its witness list as follows:

<b>PRESIDING JUDGE</b> The Honorable Alan C. Torgerson	<b>PLAINTIFF'S ATTORNEY</b> Dart Winkler, et al.	<b>DEFENDANTS' ATTORNEY</b> S. Barry Paisner - Trane Dan Lewis, et al. - Peterson Water
<b>TRIAL DATE</b> February 7, 2011	<b>COURT REPORTER</b>	<b>COURTROOM DEPUTY</b>

**DESCRIPTION OF WITNESSES**

Liz Carrillo: WILL CALL. Senior Manager at HCSC; Ms. Carrillo is expected to testify in person at trial as to the facts and circumstances surrounding the equipment and property at issue, the repairs performed on the same, and the resulting damages. Specifically, Ms. Carrillo will provide testimony relating to the background for the construction and design of the Headquarters building at issue, HCSC's negotiation and interpretation of the Service Agreement, including the Exception to the Service Agreement, HCSC's understanding about the risks involved with the proposed acid cleaning, and actions HCSC took to address the damages incurred during the acid cleaning.

Matt Villanueva: WILL CALL. HCSC Facilities Representative; Mr. Villanueva is expected to testify in person at trial as to facts and circumstances surrounding the equipment and property at issue, the repair performed on the same, and the resulting damages. Specifically, Mr. Villanueva was the HCSC representative on-site during the attempted repairs, and has direct knowledge about the events surrounding the discovery of the damages sustained.

DESCRIPTION OF WITNESSES
<p>Keith O'Neil: WILL CALL. ChillCo, Inc.; Mr. O'Neil is expected to testify in person at trial as to the cause of the damage to HCSC's equipment and property, as well as damages sustained pursuant to the same. He will address issues established in his reports produced in relation to his expert witness opinion as a specialist in HVAC matters.</p>
<p>Joseph Crosson: WILL CALL. Lucius Pitkin, Inc.; Mr. Crosson is expected to testify in person at trial as to the cause of the damage to HCSC's equipment and property, as well as damages sustained pursuant to the same. He will address issues established in his report produced in relation to his expert witness opinion as a metallurgist familiar with the effect the materials used to clean the copper coils can have on the materials to which they were applied during the attempted cleaning.</p>
<p>Edwin S.C. Wales, Sr.: MAY CALL. HCSC Supervisor Facilities; If Mr. Wales testifies, he will do so in person at trial as to facts and circumstances surrounding the equipment and property at issue, the repair performed on the same, and damages resulting from the same. Because Mr. Wales was not present over the weekend during which the attempted acid cleaning took place, he may not have direct personal knowledge about the events at issue in this matter that cannot be established by other witnesses.</p>
<p>Robert Becker: MAY CALL. Trane employee; If Mr. Becker testifies, he will do so in person at trial as to facts and circumstances surrounding the equipment and property at issue and the investigation into the damages on the date of the incident.</p>

Respectfully submitted January 31, 2011.

YATES LAW FIRM, LLC

/s/ Dart M. Winkler

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ATTORNEYS FOR PLAINTIFF HEALTH  
CARE SERVICES CORPORATION

**CERTIFICATE OF SERVICE**

I hereby certify that on the 31st day of January, 2011, the foregoing HEALTH CARE SERVICES CORPORATION'S WITNESS LIST was filed electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

S. Barry Paisner, Attorney for Defendant Southwest Trane  
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